

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Herbert H. Loeffler and Steven A. Bogen

Divisional Application of

Application No.: 09/549,414

Filed: April 14, 2000

For: FLUID EXCHANGE IN A CHAMBER ON A MICROSCOPE SLIDE

<p>Date: <u>10/29/03</u></p> <p>EXPRESS MAIL LABEL NO. <u>EV 215 729493 VS</u></p>
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☐ Copies of the cited references are enclosed.
- ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☒ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. 09/549,414, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

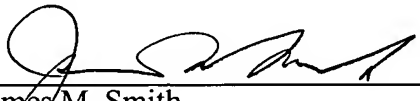
Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By



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Concord, MA 01742-9133

Dated: 10/29/3

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION October 28, 2003 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 1159.1009-007		DIV. OF APPLICATION NO. 09/549,414	
	APPLICANT Herbert H. Loeffler, <i>et al.</i>			
	FILING DATE	CONFIRMATION NO.	GROUP	

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	REF. NO.	DOCUMENT NUMBER	ISSUE DATE / PUBLICATION DATE	NAME
	AA	4,384,193	05-17-83	Kledzik et al.
	AB	4,731,335	03-15-88	Brigati
	AC	4,847,208	07-11-89	Bogen
	AD	4,985,206	01-15-91	Bowman et al.
	AE	5,023,187	06-11-91	Koebler et al.
	AF	5,068,091	11-26-91	Toya
	AG	5,073,504	12-17-91	Bogen
	AH	5,316,452	05-31-94	Bogen et al.
	AI	5,338,358	08-16-94	Mizusawa et al.
	AJ	5,346,672	09-13-94	Stapleton et al.
	AK	5,645,114	07-08-97	Bogen et al.
	AA2	5,830,413	11-03-98	Lang et al.
	AB2	5,947,167	09-07-99	Bogen et al.
	AC2	5,958,341	09-28-99	Chu
	AD2	5,958,760	09-28-99	Freeman
	AE2	5,985,669	11-16-99	Palander
	AF2	4,604,964	08-12-86	Gordon et al.
	AG2	4,483,270	11-20-84	Toya et al.
	AH2	6,395,536 B2	05-28-02	Freeman
	AI2	6,432,696 B2	08-13-02	Custance et al.
	AJ2	5,273,905	12-28-93	Muller et al.
	AK2	5,597,536	01-28-97	Mayer
	AA3	5,603,351	02-18-97	Cherukuri et al.
	AB3	5,273,718	12-28-93	Skold et al.
	AC3	6,376,256 B1	04-23-02	Dunnington et al.
	AD3	5,049,510	09-17-91	Repasi et al.

EXAMINER	DATE CONSIDERED
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EXAMINER	DATE CONSIDERED
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	FILING DATE	CONFIRMATION NO.	GROUP	

FOREIGN PATENT DOCUMENTS						
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO	
	AL	WO 94/18539	08-18-94	PCT		
	AM	WO 96/30124	10-03-96	PCT		
	AN	WO 99/34190	07-08-99	PCT		
	AO	WO 98/20353	05-14-98	PCT		
	AP					
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
AR	Abbuhl, Mary Faith et al., "An Economical Minichamber for Immunohistochemical Incubation," The Journal of Histochemistry and Cytochemistry, Vol. 33, No. 2, 1985, pp. 162-164.	
AS	Ormanns, W. et al., "A Simple Method for Incubation of Tissue Sections in Immunohistochemistry," Histochemistry, 72, 1981, pp. 315-319.	
AT	Montone, Kathleen T., M.D., et al., "Anatomic Viral Detection Is Automated: The Application of a Robotic Molecular Pathology System for the Detection of DNA Viruses in Anatomic Pathology Substrates, Using Immunocytochemical and Nucleic Acid Hybridization Techniques," The Yale Journal of Biology and Medicine 62, 1989, pp. 141-158.	
AU	Unger, Elizabeth R., et al., "Automation of In situ Hybridization: Application of the Capillary Action Robotic Workstation," Journal of Histotechnology, Vol. 11, No. 4, December 1988, pp. 253-258.	
AV	Brigati, David J., M.D., "In Situ DNA Hybridization is Automated," <i>Automated Molecular Pathology</i> , (Sept. 1988).	
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